

REMARKS/ARGUMENTS

Claims 1-6 are active.

All claims have been rejected under 35 USC 102(e) or 35 USC 103(a) citing to SAKA (US 2006/0025620) by itself or combined with Sie.

The Saka U.S. publication cited is a 371 application of PCT/JP03/07492. Under 35 USC 102(e) a PCT Application that was published in a language other than English does not have a 102(e) date for that PCT Application filing date: "except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." (35 U.S.C. § 102(e), emphasis added).

The PCT Application of the applied Saka reference, PCT/JP03/07492, was published in Japanese and, as such, the Saka U.S. Patent Publication does not have a 102(e) date.

The Saka PCT was published in Japanese on December 24, 2003. This publication is available date-wise under Section 102(a) to the PCT filing date of the present application. However, this publication date is after the priority date of the present application, which is August 18, 2003. To perfect priority to the Japanese priority application JP 2003-294521, a certified English translation of that Japanese priority application is filed here.

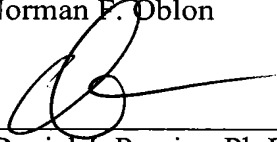
In view of the foregoing and the attached translation, it is requested that the rejections citing SAKA be withdrawn.

Application No. 10/568,066
Reply to Office Action of August 21, 2008

A Notice of Allowance is also requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Daniel J. Pereira', is written over a horizontal line.

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